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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/725,671

12/02/2003

David S. Melton

31592-1001

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7590

09/06/2006

PEACOCK MYERS, P.C.

201 THIRD STREET, N.W.

SUITE 1340

ALBUQUERQUE, NM 87102

EXAMINER

NGUYEN, HOANG M

ART UNIT

PAPER NUMBER

3748

DATE MAILED: 09/06/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/725,671

Applicant(s)

MELTON ET AL.

Examiner

Hoang M. Nguyen

Art Unit

3748

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 31 March 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-55 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-55 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948)                                    | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

Art Unit: 3748

Applicant's amendment dated March 31, 2006, has been fully considered.

Applicant has amended the claims argued the applied references do not teach the newly added limitation "the power plant mounted on a platform that is transportable by a vehicle". Applicant further explains that his platform is distinct from a transport vehicle. Even though the Examiner disagrees with Applicant's argument because both systems in Veazey and Benn can clearly be transported by a vehicle, a new ground of rejection has been made anyway to reject the claims based on a reference already of record, US 4261329 (Walsh et al), that discloses a solar energy system mounted on a platform being distinct from and transported by a vehicle 154.

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-3, 7-9, 12-15, 19-20, 23, 34-35, 46-52, 55, are rejected under 35 U.S.C. 102(b) as being anticipated by US 4261329 (Walsh et al).

Walsh et al discloses an energy system which can be used both on vehicle platform (126, 143, 145) the energy system uses solar energy by having adjustable solar cell panels 44, or to generate electricity.

Art Unit: 3748

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-16, 19-21, 23-24, 26, 29, 32-35, 39-41, 43, 43-52, 55, are rejected under 35 U.S.C. 103(a) as being anticipated by US 4553037 (Veazey) in view of US 4261329 (Walsh et al).

Regarding claims 1-3, 7-9, 12-15, 19-20, 23, 34-35, 46-52, 55, Veazey discloses a hybrid energy system which can be used both on vehicle platform (figure 6), or on boats (figures 5, 7-18), the energy system uses both solar energy and wind energy by having adjustable solar cell panels 25, or adjustable Darrieus windmill 21 to generate electricity through back-up generator 26 or to store energy in batteries 24. Veazey does not disclose the system mounted on a distinct platform from a vehicle. Walsh et al discloses an energy system which can be used both on vehicle platform (126, 143, 145) the energy system uses solar energy by having adjustable solar cell panels 44, or to generate electricity. It would have been obvious to mount the system in Veazey on a separate platform from a vehicle as taught by Walsh et al for the purpose of ease of assembling/disassembling the platform.

Regarding claims 4-6, 10-11, 16, 21, 24, 26, 29, 32-33, 37, 39-41, 43, 46, 53, are rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. 4553037 (Veazey). Veazey discloses all the claimed subject matter as set forth above in the rejection of claim 1, but does not disclose the specific powers, different types of

Art Unit: 3748

containers, battery box, connector...etc..... However, it would have been obvious at the time the invention was made to a person having ordinary skill in the art to elect different types of devices as claimed in Veazey for the purpose of achieving appropriate power output.

Claims 17-18, 22, 25, 27, 28, 30, 31, 36-38, 42, 44, 54, are rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. 4553037 (Veazey) in view of Walsh et al and US 2003/0054329 (Springett). Veazey as modified discloses all the claimed subject matter as set forth above in the rejection of claim 1, but does not disclose the communication system having satellite dish. Springett discloses it's well known for a portable power plant on a vehicle platform to have a satellite dish (column 2). It would have been obvious at the time the invention was made to a person having ordinary skill in the art to provide a satellite dish in Veazey as taught by Springett for the purpose of communicating with other facilities if needed.

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not

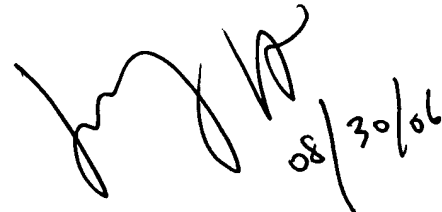
Art Unit: 3748

mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the Examiner should be directed to Examiner Nguyen whose telephone number is (571) 272-4861. The examiner can normally be reached on Tuesday--Friday from 12:30 AM to 10:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thomas E. Denion can be reached on 571-272-4859. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



HOANG NGUYEN  
PRIMARY EXAMINER  
ART UNIT 3748

Hoang Minh Nguyen  
8/30/2006